

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 4, 2002

IN RE:

GENERIC DOCKET ADDRESSING
RURAL UNIVERSAL SERVICE

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DOCKET NO.
00-00523

ORDER GRANTING REQUEST TO HOLD
RECONSIDERATION IN ABEYANCE

This docket came before the Hearing Officer for consideration of a letter written by BellSouth Telecommunications, Inc. ("BellSouth") and filed in the above-styled docket on August 23, 2002.

On July 15, 2002, BellSouth filed *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000.*¹ The panel assigned to this docket consisting of Chairman Sara Kyle and Directors Pat Miller and Ron Jones first addressed this motion at the July 23, 2002 Authority Conference. The panel unanimously voted to grant the motion, but decided that the merits of the motion would be determined at a later date.² The panel also voted to appoint Director Jones as the Hearing

¹ BellSouth filed a "substitute version" of its motion on July 25, 2002. Former Director Melvin J. Malone issued the *Initial Order of Hearing Officer*. Director Malone's term as a director of the Tennessee Regulatory Authority expired on June 30, 2002.

² Transcript of Proceeding, July 23, 2002, p. 28 (Authority Conference).

Officer, and he then directed BellSouth to file a brief in support of the motion by August 2, 2002.³

BellSouth complied with the Hearing Officer's directive and filed its brief on August 2, 2002. Thereafter, the Hearing Officer issued a notice requiring that responsive briefs be filed by August 19, 2002. As a result, the Attorney General through the Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter and the Rural Independent Coalition⁴ filed responsive briefs on August 19, 2002.

On August 23, 2002, BellSouth filed the letter that is the subject of this order. In its letter, BellSouth requests that the "Authority enter an order holding the Petition for Reconsideration in abeyance for 60 days."⁵ BellSouth asserts that the parties will work together during the sixty-day period to resolve their disputes. BellSouth also represents that the Rural Independent Coalition has no objection to the request. Given the lack of opposition from the Rural Independent Coalition and the fact that no other party has objected to the request, the Hearing Officer finds that BellSouth's request should be granted.

IT IS THEREFORE ORDERED THAT:

1. BellSouth Telecommunications, Inc.'s request to hold the resolution of *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative,*

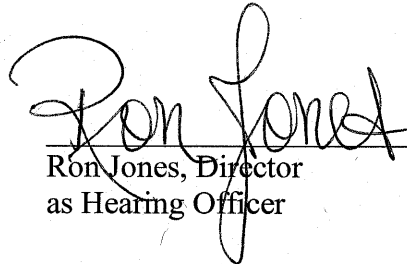
³ *Id.* at 28-29, 37.

⁴ The Rural Independent Coalition includes: Ardmore Telephone Company, Inc.; Ben Lomand Rural Telephone Cooperative, Inc.; Bledsoe Telephone Cooperative; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Concord Telephone Exchange, Inc.; Crockett Telephone Company, Inc.; Dekalb Telephone Cooperative, Inc.; Highland Telephone Cooperative, Inc.; Humphreys County Telephone Company; Loretto Telephone Company, Inc.; Millington Telephone Company; North Carolina Telephone Cooperative, Inc.; Peoples Telephone Company; Tellico Telephone Company, Inc.; Tennessee Telephone Company; Twin Lakes Telephone Cooperative Corporation; United Telephone Company; West Tennessee Telephone Company, Inc.; and Yorkville Telephone Cooperative.

⁵ Letter from Charles L. Howorth, Jr. to Chairman Sara Kyle dated August 23, 2002 (Aug. 23, 2002) (copied to Hearing Officer).

Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000 in abeyance for sixty (60) days is granted.

2. Upon conclusion of the sixty-day period, the Hearing Officer will schedule a status conference in order to hear a report from the parties of the status of their negotiations. If the parties reach an agreement prior to the scheduling of a status conference, the parties shall file a written explanation of the agreement for consideration by the Hearing Officer.



Ron Jones, Director
as Hearing Officer